

Notice of Allowability

Application No.

10/664,106

Examiner

Julian Mercado

Applicant(s)

CHANG ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-7-07.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Remarks

This Office action is responsive to applicant's after-Final amendment filed on May 7, 2007.

Claims 1-21 are pending.

Claim Rejections - 35 USC § 102 and 103

In view of applicant's after-Final amendment:

The rejection of claims 1-3, 5-8, 10, 12-15, 18 and 20 under 35 U.S.C. 102(b) based on WO 97/08763 to Yamashita et al. has been withdrawn.

The rejection of claims 9, 16, 17, 19 and 21 under 35 U.S.C. 103(a) based on Yamashita et al. has been withdrawn.

The rejection of claim 4 under 35 U.S.C. 103(a) based on Yamashita et al. and Kawakami et al. (U.S. Pat. 5,582,931) has been withdrawn.

The rejection of claim 11 under 35 U.S.C. 103(a) based on Yamashita et al. and Ohsawa et al. (U.S. Pat. 5,225,296) has been withdrawn.

Allowable Subject Matter

Claims 1-21 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record and to the examiner's knowledge do not teach or suggest the instant invention regarding two

Art Unit: 1745

layers of differing porous separators/binders intermediate each opposing anode and cathode to maintain an opposing spaced relationship, the opposing spaced relationship being maintained by each anode being bound to the first separator/binder, the first separator/binder being bound to the second separator/binder, and the second separator/binder being bound to each cathode.

In the prior Office action, the examiner maintained the prior art rejections insofar as there was no limitation in the claims specifically reciting the polymer P_1 of the claimed invention being bound to polymer P_2 . The present claims now define over the prior art in reciting each anode being bound to the first separator/binder, the first separator/binder being bound to the second separator/binder, and the second separator/binder being bound to the cathode. As polymers P_1 and P_2 are comprised by the first and second separator/binders (respectively), polymers P_1 and P_2 with their solubilities in solvents S_1 and S_2 (respectively) are understood as also being resultantly bound. To this extent, the examiner thus concedes with applicant's assertion that in "Yamashita et al., the polymers are dried on the anode and cathode prior to stacking the anode and cathode." (remarks on page 9)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



jam



PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER